

REMARKS/ARGUMENTS

Claims 1-31 are pending in this case. The Examiner has required restriction to one of three inventions that the Examiner has determined to be presented:

Invention I – claims 1, 3-14, 16 and 17, directed to a sprayable preparation in the form of an aqueous solution;

Invention II – claims 2 and 18-31, directed to a use of the sprayable preparation in the form of an aqueous solution; and

Invention III – claim 15, directed to a method of making a pharmaceutical preparation.

The Examiner has made the determination under the PCT standard of unity of invention. Applicant agrees that the Examiner has made the determination using the correct standard, regardless of the result of the determination. Applicant also agrees that the Examiner's characterization of the types of claims presented is correct.

Under the PCT standard, claims of different types may be held together when each type of claim relates to a single general inventive concept, due to the presence of a special technical feature that is present in each type of claim. The Examiner has determined that the common technical feature of the claims, that is, a sprayable preparation containing flurbiprofen and trometamol, is known in the prior art, based on references submitted in the IDS of 17 August 2006. Applicant does not concede that the preparation is known, without having an opportunity to respond to a proper rejection based on the Examiner's analysis of the submitted references. It is on this basis that the applicant traverses the requirement.

To comply with the requirement of an election, applicant elects **Invention I** with traverse. Applicant acknowledges the Examiner's statements regarding the non-elected

claims and the need to be directed to a single general inventive concept, once one is determined to be allowable.

Respectfully submitted,

Date: 5 April 2010

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